



2020 AILA FALL CONFERENCE BUSINESS TRACK

2020 has been a year marked by seismic changes across the globe. Here in the United States, where social unrest and the paradigm-shifting effects of the pandemic have been particularly detrimental, the impact on immigrants and their attorneys has been immense.

With delayed, incomplete and/or conflicting guidance coming from the agencies, immigration attorneys often have been left to fend for themselves in helping clients maneuver around new obstacles like travel bans, “National Interest Exceptions,” work-from-home implications, layoffs, furloughs, delayed adjudication of critical immigration benefits, office closures, new forms, new fees, new rules . . . the list seems endless!

This intermediate-to-advanced conference was designed to provide meaningful guidance on navigating the unprecedented business immigration issues resulting from the pandemic and the Trump administration’s attack on immigration. Our expert faculty will analyze and discuss all the important issues you now face as business immigration attorneys. They will advise on best practices for dealing with these issues to help you provide informed and effective representation to your clients. Finally, ample opportunity will be given throughout the conference for you to brainstorm with your colleagues about pressing matters and to connect with and support other lawyers dealing with the same issues you currently face in your practice. Despite these challenges, we approach the end of the year knowing that brighter days are ahead and we will soon be singing a different tune.

DECEMBER 16, 2020
AILA NATIONAL VIRTUAL CONFERENCE

****Note: All Times Indicated Below Are Eastern Standard Time***

WEDNESDAY, DECEMBER 16, 2020

Day Coordinator:

**TBD*

9:55 am–10:00 am

WELCOME AND GREETINGS

*Matthew D. Stump, AILA Fall Conference Program Business Chair,
Oklahoma City, OK*

(DL) = Discussion Leader

** = Invited Speakers, Not Confirmed*

10:00 am–11:00 am

‘BURNING DOWN THE HOUSE’: HOT TOPICS IN A RAPID FIRE 2020

Panelists will discuss the latest immigration-related news emanating from the White House, including the president’s efforts to use executive powers to implement changes to employment-based immigration. Panelists also will explore presidential proclamations and executive orders directed at the agencies that seek to redefine commonly held regulatory understandings. In addition, they will examine policy shifts that affect how USCIS adjudicates common immigration benefits—e.g., H-1Bs—and slow down, or even prevent, visa issuance at posts. Finally, panelists will discuss when regulatory changes that already have been set into motion will take effect, and what the president can and cannot do to the country’s business immigration apparatus before leaving office.

- Most Recent Presidential Proclamations
- Executive Orders
- Proposed and Implemented Regulatory Changes
- What to Expect If the President Is Not Re-elected (Critical Deadlines for the Administration)

Faculty:

Matthew D. Stump (DL), AILA Fall Conference Program Business Chair, Oklahoma City, OK

Bennett Savitz, USCIS HQ Committee Chair, Boston, MA

Gregory Howard Siskind, Memphis, TN

Sharvari (Shev) Dalal-Dheini, AILA Director of Government Relations, Washington, DC

11:00 am–11:30 am

NETWORKING BREAK

11:30 am–12:30 pm

‘VIRTUAL INSANITY’: IMPACTS OF COVID AND POTUS ON NIVS

From office closures to executive orders to directives issued through U.S. Department of State Twitter feeds, both the pandemic and the Trump administration are responsible for the unprecedented number of changes to nonimmigrant employment visa practice. Panelists will discuss the impact of these changes as they relate to agency policies and practices on a number of employment-based nonimmigrant visas, focusing in particular on the issues of most concern to your employer and employee clients.

- Work-from-Home, Work-from-Abroad, and Other Changes to the Workplace Environment
- Impact of Layoffs, Furloughs, and Corporate Restructuring, Including Successor-in-Interest Determinations on NIVs
- Using NIV Bridges—e.g., H-1B to B and Back Again—and Other Creative Options
- Using Nunc Pro Tunc and Requesting Officer Discretion in Response to COVID-Based Lapses in Status
- Increased Enforcement (FDNS) and Changes to Employer Compliance Requirements

Faculty:

Amy Erlbacher-Anderson (DL), Fall Conference Program Business Vice Chair, Omaha, NE

Jerome G. Grzeca, Milwaukee, WI

Janora L. Hawkins, Atlanta, GA

(DL) = Discussion Leader

** = Invited Speakers, Not Confirmed*

12:30 pm–1:00 pm

NETWORKING BREAK

1:00 pm–2:00 pm

‘ANOTHER BRICK IN THE WALL’: IMPACTS OF COVID AND POTUS ON IVS

In times of high unemployment like we are experiencing now, we can expect higher PERM audits, a revival in supervised recruitment, and more denials of labor certification cases. Just as challenging are adjustment cases during periods of massive layoffs, reductions in force, and global transfers. Panelists will examine the challenges of filing PERM and employment-based petitions, adjustment, and consular processing immigrant visa cases in 2020 and the near future.

- The New 9089 and What to Expect
- Increase in PERM Audits, Supervised Recruitment, and Denials
- Work-from-Home as a Permanent Option
- I-485 Portability and Successor-In-Interest I-140s in a Time of High Unemployment
- Adjustment of Status vs. Consular Processing for Clients Who Have Fallen Out of Status
- Critical Deadlines for Accrual of Unlawful Presence and How It Is Triggered

Faculty:

Maggie M. Murphy (DL), Austin, TX

Kevin W. Miner, AILA Board of Governors, Atlanta, GA

*Sarah K. Peterson, AILA DOL Liaison Committee Chair,
Minneapolis, MN*

Josiah J. Curtis, Boston, MA

2:00 pm–2:30 pm

NETWORKING BREAK (VIRTUAL EXHIBITS OR SPONSOR)

2:30 pm–3:30 pm

‘LET’S GET IT ON’: LITIGATION BASICS FOR THE EMPLOYMENT-BASED PRACTITIONER

Clients are facing the consequences of increasingly restrictive legal standards and policies that represent an unprecedented effort to reduce legal immigration. Litigation has proven to be one of the most effective ways to stop this onslaught. Panelists will cover the basics of business litigation and advise on best practices for litigating employment-based cases successfully in federal court.

- Managing Client Expectations and Discussing Litigation as a Potential Inevitability
- Building the Record with Litigation in Mind
- Petitions for Review of NIV Denials
- Mandamus and the APA for Unreasonable Delay
- Resources Available Through AILA and the Council

Faculty:

Jeff Joseph (DL), AILA Secretary, Aurora, CO

Jonathan Wasden, Burke, VA

Jesse M. Bless, AILA Director of Litigation, Washington, DC

3:30 am–4:00 pm

NETWORKING BREAK (VIRTUAL EXHIBITS OR SPONSOR)

4:00 pm–5:00 pm

‘ONE LOVE’: DIVERSITY & INCLUSION AND ELIMINATION OF BIAS IN THE WORKPLACE

Embracing diversity lies at the heart of our profession, but unconscious and implicit bias still may impact our judgement and perception of both colleagues and clients. Our panel of experts will help you to recognize how unconscious bias may be negatively impacting your workplace and advise on techniques to check your blind spots and improve diversity and inclusion in your practice.

- Forms of Unconscious Bias and Its Impact in the Legal Profession
- Assessing and Improving Diversity and Inclusion in Your Workplace
- Increasing Self-Awareness and Demonstrating Respect for Clients and Colleagues
- Cultural Understanding and Fostering Better Relationships with Clients

Faculty:

Olivia Serene Lee (DL), AILA Diversity and Inclusion Committee Chair, San Francisco, CA

Hudaidah Bhimdi, Fairfax, VA

Patricia Ice, AILA Diversity and Inclusion Committee Member, Jackson, MS

Christine M. Hernandez, Denver, CO

5:00 pm–5:30 pm

VIRTUAL COFFEE BREAK

5:30 pm–6:30 pm

‘I’VE BEEN EVERYWHERE’: TRAVEL RESTRICTIONS IN A GLOBAL PANDEMIC

Under the guise of public health and economic hardship in the wake of the pandemic, the Trump administration has issued executive orders and presidential proclamations limiting the entry of foreign nationals to the United States. Each of these orders and proclamations have their own scope, limitations, and exceptions, resulting in a rapidly changing and confusing immigration environment. Panelists will engage in a boots-on-the-ground discussion of how each of these COVID-related and other restrictions are applied at the border, other ports-of-entry, and the consulates. They also will examine successful national interest exceptions and advise on best practices for effective and successful representation of clients, and what might be expected under the Biden administration.

- National Interest Exceptions: The Process and Likelihood of Success
- Consular Processing for Clients Impacted by Consulate Closures, Executive Orders, and Presidential Proclamations
- Emergency Appointment Requests at Consulates and Likelihood of Success
- Canada and Mexico Border Closures and “Essential Workers”
- Managing Client Expectations in a Rapidly Changing Environment

Faculty:

Mahsa Khanbabai (DL), AILA Board of Governors, Easton, MA

Alexis Axelrad, AILA CBP Liaison Committee Chair, New York, NY

Kenneth J. Harder, Houston, TX

(DL) = Discussion Leader

** = Invited Speakers, Not Confirmed*

6:30 pm

CONFERENCE CONCLUDES

CONFERENCE PROGRAM COMMITTEE

Matthew D. Stump, AILA Fall Conference Program Business Chair, Oklahoma City, OK

Amy Erlbacher-Anderson, Fall Conference Program Business Vice-Chair, Omaha, NE

Maggie M. Murphy, Austin, TX

Lucrecia Z. Knapp Ponce, Rochester, NY

Ari J. Sauer, Memphis, TN

Jeremy L. McKinney, AILA First Vice President, Greensboro, NC

Emmie R. Smith, AILA Director, Professional Development, Washington, DC

(DL) = Discussion Leader

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